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17 Attorneys for Defendant
18 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 MICHAEL SIMON, individually, and on behalf
24 of all others similarly situated,

25 Plaintiffs,

26 v.
27 TOSHIBA AMERICA, INC., a Delaware
28 corporation, and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a California
corporation,

Defendants.

Case No. C07-06202 EMC

**JOINT STIPULATION TO
CONTINUE LITIGATION
DEADLINES; [PROPOSED]
ORDER THEREON**

Honorable Edward M. Chen
Courtroom C

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") are currently exploring the possibility of an early resolution of this
3 matter;

4 WHEREAS, consistent with those efforts, the parties have conducted an in-person
5 meeting and intend to continue those discussions over the next several weeks;

6 WHEREAS, the deadline for TAIS to file and serve its initial response to the First
7 Amended Complaint is March 17, 2008;

8 WHEREAS, the Initial Case Management Conference is currently scheduled for March
9 12, 2008, at 1:30 p.m., in Courtroom C of the above-referenced Court;

10 WHEREAS, given and to facilitate the parties' settlement efforts, the parties desire to
11 briefly stay the litigation activity in this case and further continue TAIS's deadline to respond
12 to the Complaint for approximately forty-five (45) days;

13 WHEREAS, if the parties are able to make progress towards reaching an early
14 resolution of this action, they may seek to further extend the litigation deadlines, subject to
15 Court approval,

16 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
17 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS, on the
18 other hand, by and through their respective undersigned counsel, as follows:

19 1. The deadline for TAIS to file and serve its initial response to the First Amended
20 Complaint shall be extended to and including May 1, 2008;

21 2. The date on which the Court will hold the Initial Case Management Conference
22 shall be continued to May 7, 2008, at 1:30 p.m., subject to the Court's availability;

23 3. All other litigation deadlines will be continued accordingly pursuant to the Court's
24 "Order Setting Initial Case Management Conference and ADR Deadlines," Federal Rule of Civil
25 Procedure 26(f), and Local Rules 3-5, 16-8, 16-9, and 16-10;

26 4. This Stipulation may be executed in counterparts, each of which shall be deemed
27 an original, but both of which, when taken together, shall constitute one and the same instrument.

1 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the
2 parties hereto and the Court as though they were original signature pages.

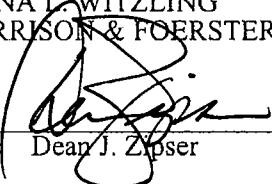
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4 Dated: February 18, 2008

DEAN J. ZIPSER
ANNETTE P. CARNEGIE
ADINA L. WITZLING
MORRISON & FOERSTER LLP

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6 By:

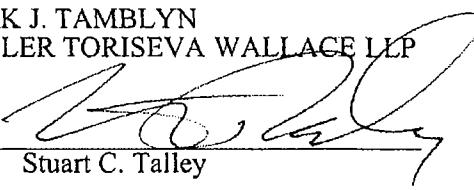

Dean J. Zipser

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9 Attorneys for defendant
10 Toshiba America Information
11 Systems, Inc.
12

13 Dated: February 18, 2008

14 STUART C. TALLEY
15 KERSHAW, CUTTER & RATINOFF LLP

16

17 MARK J. TAMBLYN
18 WEXLER TORISEVA WALLACE LLP


19 By:

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21 Stuart C. Tally
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29 Attorneys for Plaintiff
30 Michael Simon

ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The deadline for TAIS to file and serve its initial response to the Complaint shall be extended to and including May 1, 2008;

2. The Scheduling Conference shall be continued to May 8, 2008, at 1:30 p.m. in Courtroom C; and

8 3. All other litigation deadlines will be continued accordingly pursuant to the Court's
9 "Order Setting Initial Case Management Conference and ADR Deadlines," Federal Rule of Civil
10 Procedure 26(f), and Local Rules 3-5, 16-8, 16-9, and 16-10;

13 IT IS SO ORDERED.

Dated: , 2008

By _____
Honorable Edward M. Chen